

KING COUNTY FACILITIES MANAGEMENT DIVISION

CAPITAL PLANNING AND DEVELOPMENT

Burke-Gilman Trail Redevelopment Project
SEPA Draft Environmental Impact Statement Hearing

6:00 p.m. to 9:00 p.m.
Tuesday, November 13, 2007
15343 25th Avenue Northeast
Shoreline, Washington

LINDA WARMUTH, CCR
NORTHWEST COURT REPORTERS
1415 Second Avenue, Suite 1107
Seattle, Washington 98101
(206) 623-6136
E-mail: nwcourtreporters@quest.net

1 (Proceedings commenced at 6:07 p.m.)

2 GINA AULD: Okay. I think I'm going to go
3 ahead and get started. I know there are people still
4 coming in. I want to hurry up so that we can get
5 through this so we can start the testimony and make sure
6 everyone has an opportunity to speak.

7 Anyway, I want to thank you for coming
8 tonight. My name is Gina Auld. I am the project
9 manager for the Burke-Gilman Trail Project. And the
10 purpose of tonight's formal hearing is to take testimony
11 for the Burke-Gilman Trail Draft Environmental Impact
12 Statement. So if you'd like to speak tonight, there's a
13 sign-up sheet over on that table that's located right
14 over by the door.

15 We'll begin taking testimony after we do a
16 brief presentation on the project itself, hopefully,
17 around 6:30, and it will continue until 9 o'clock
18 tonight. Each speaker will have two minutes to make
19 their comments.

20 I'll begin by saying for the record that
21 this is Tuesday, November 13th, 2007. This is a public
22 hearing for the Draft Environmental Impact Statement for
23 the Burke-Gilman Trail Redevelopment Project. The time
24 is 6:10 p.m., and this hearing will be open until
25 9:00 p.m. tonight.

1 First, I'd like to introduce Terry Reckord
2 from MacLeod Reckord. Where are you, Terry? There he
3 is. He's from the landscape architecture firm designing
4 the trail redevelopment and Karmen Martin from the firm
5 ESA Adolfson. They're the environmental firm providing
6 the Draft Environmental Impact Statement.

7 Terry and Karmen will be giving a
8 presentation on the project following this introduction.
9 I'd also like to introduce Kristen Lohse. She's with
10 MacLeod Reckord, the landscape architecture firm. And
11 over by the table helping with the sign-in is Molly
12 Adolfson. She's with ESA Adolfson. And I'd just like
13 to introduce a couple of the park staff that are here.
14 In the back is Robert Foxworthy -- he's the regional
15 trail coordinator for King County -- Monica Clark, and
16 to her left is Nick Halverson.

17 The Draft Environmental Impact Statement, or
18 DEIS, as we commonly call it, has been prepared in
19 accordance with the State Environmental Protection Act
20 or SEPA. This law requires that agencies consider the
21 likely environmental impacts of the proposal before
22 making a decision.

23 For public projects, SEPA law requires several
24 things. First, the project proposal clearly states the
25 purpose and need. The purpose and need for this project

1 are described in the general project handout that you
2 should have received at the sign-in table at the front
3 door. I think we call it the fact sheet. Terry and
4 Karmen will also cover this subject in their
5 presentation. If you didn't receive a handout, you can
6 get one at the table over there.

7 Second, the law requires that the EIS evaluate
8 reasonable alternatives that could meet the proposal's
9 objectives. For this project there are three
10 alternatives evaluated in the DEIS and will be discussed
11 by Terry.

12 Finally, the law requires a 30-day comment period
13 from the issuance of the DEIS. The comment period for
14 this project ends at midnight on December 3rd. At this
15 hearing there are two ways to provide input, by oral
16 testimony or written comment.

17 Each person who signs up on the sign-up sheet may
18 speak using the microphone right here. Just stand up
19 there, speak, and you need to get kind of close to the
20 microphone. Each speaker will have two minutes in which
21 to make their comments so that everyone who may want to
22 speak tonight has a chance to do so. Each testimony
23 will be timed, and we will actually put a stopwatch up
24 on -- we'll display it on the screen so you can see
25 pretty clearly how the time goes.

1 I will call people's names to speak in the order
2 in which they sign up, and I'll also let you know when
3 the two minutes are up. We have a court reporter,
4 Linda, who will be writing down each individual
5 testimony. You may also submit your comments in written
6 form using the comment forms provided over at the table.
7 You can leave them in the box at the table located at
8 the end of the table over there.

9 In addition to tonight's meeting and any comments
10 you want to make written or verbally here, you can
11 submit comments to me in writing or by e-mail or up
12 until the comment period ends at midnight on
13 December 3rd, 2007. The information sheet, that fact
14 sheet, has my e-mail address and my mailing address, and
15 it also has the e-mail address of the project website.
16 You can get a lot of information there. There's also a
17 separate official e-mail address for the formal SEPA
18 comments, and that's also listed on that fact sheet.

19 All the information that you hear tonight, as
20 well as the presentation that you'll see in just a
21 minute by Terry and Karmen, will be located on the
22 project site, again, with the addresses on the handout.
23 The DEIS document and background documents are also
24 available on the website, so you may review or download
25 and print them directly from there.

1 So without further ado, I'd like to introduce
2 Terry and let him get started.

3 TERRY RECKORD: Thank you, Gina. Before I
4 start my presentation, you ought to see Linda here
5 going.

6 I will be brief, as will Karmen. We are going to
7 explain in simple terms the project that is being
8 proposed, the renovation of the Burke-Gilman Trail. We
9 will have a few images of the physical site and a
10 description of the proposed improvements. We will talk
11 about what some of the alternatives are that have been
12 developed in the evolution of the Draft EIS. Karmen
13 will explain that process to you a little bit more, and
14 then it's time for public comment.

15 The trail, as many of you know -- and I see lots
16 of familiar faces out there, so I know a lot of you have
17 heard lots of this ad nauseam -- but the trail is
18 two miles long almost exactly beginning at the southern
19 city limits of Lake Forest Park and 145th and continuing
20 north, generally northeast along the shore of the lake
21 to the northern city limits at the southern end of Log
22 Boom Park, the boundary of Log Boom Park. Along the way
23 there are several crossings of private driveways and
24 streets.

25 There are two bridges crossing McAleer Creek and

1 Lyons Creek. There are several issues that have
2 prompted the project. And this is the list of the
3 purpose and needs of the project, and they have to do
4 with deterioration of the trail physically over time.

5 This trail was built in 1974/75 originally. So
6 the physical corridor, the asphalt, the shoulders and
7 fencing and those things have deteriorated over time.
8 Site distance at the crossings in particular. Site
9 distance meaning that in those areas where the people
10 using the trail will not be able to see automobiles
11 crossing and vice versa, automobiles, motorists will not
12 be able to see the trail users using those crossings.
13 It has deteriorated over time as vegetation has grown up
14 and fences have been built.

15 The signage that is out there in places now at
16 some of the crossings is contrary to standard
17 engineering practice, and in some places, inconsistent
18 with state law in terms of right-of-way. The trail
19 right now, as it stands at a 10-foot width and with the
20 site distances as they are, does no longer meet the
21 regional trail design standards accepted nationally and
22 locally and no longer is it consistent with the County's
23 regional trail design standards. So there are several
24 reasons why this project is being undertaken.

25 Those of you that are familiar with the trail are

1 aware that the asphalt, as I mentioned earlier, has
2 deteriorated. We have what are called chicanes. We
3 have those bows that happen at the intersections that
4 have been -- have deteriorated over time and have been
5 engulfed in vegetation in some cases and obscured the
6 site distance.

7 This is one of the stop signs that was placed a
8 few years ago along the trail for the trail users that
9 is going to be replaced. Vegetation has encroached on
10 the shoulders of the trail. When it was initially
11 built, there was a relatively wide gravel walkway
12 shoulder for pedestrians along the edge. That has
13 disappeared over time, and vegetation has encroached
14 along the length of the trail, in some cases making it
15 unsafe.

16 As I said, there are two bridges crossing two
17 creeks: McAleer Creek and Lyons Creek. The McAleer
18 Creek Bridge was replaced about ten years ago, and it's
19 a full-width, full-span bridge, and it's in good
20 condition, and that one can stay.

21 This bridge at Lyons Creek is only eight feet
22 wide. It's old treated timber piling that is standing
23 in the creek itself, and it's going to be replaced with
24 a wider, longer bridge that spans the creek a greater
25 distance and gives us the opportunity to realign the

1 creek, the portions of it, closer to the original, more
2 natural state.

3 Again, places where the trail has been
4 overvegetated and the vegetation has encroached along
5 the way, the asphalt is reduced actually now to an
6 effective width of about nine to nine and a half feet in
7 most cases.

8 There are areas where sloughing material on that
9 slope above has been sloughing down over the trail over
10 time and has blocked drainage ditches, has created
11 problems with the drainage. Essentially, the drainage
12 passes through the trail, and that was the concept
13 originally 33 years ago. There's a lot of water coming
14 down the hill and out to both sides of the trail, and
15 it's been collected over the years in the ditches on the
16 uphill side of the trail and passed through the culverts
17 to the lake below. And, conceptually, we're going to
18 continue that practice of passing the water through, but
19 we are going to re-excavate a lot of the ditches and
20 make them flow better. We are going to replace some of
21 the culverts that are now undersized, based on increased
22 water flows and add two more culverts.

23 So, in effect, we are undergoing a lot of issues
24 that have to do with maintenance and making the trail
25 safer. These are two sketches that represent kind of

1 the basic conditions out there. There are probably
2 eight slightly different conditions, but essentially the
3 trail was built on the old railroad bed which is a bench
4 on the side of the hill above the homes that are along
5 the lake. It continues in its configuration both north
6 and south: north all the way out through Kenmore and
7 ultimately out to the Sammamish River Valley and south
8 on the Burke-Gilman down through the Seattle section
9 down to the University District and beyond on the old
10 railroad bed.

11 And as you can see illustrated here, there's a
12 steep slope above the ditches that collect underneath on
13 the uphill side of the trail, the trail surface itself,
14 and vegetative slopes with fencing and screening,
15 typically on the downhill side, in some cases furnished
16 roads or private driveways, on the downhill side below
17 the trail.

18 The DEIS is part of the reason -- the primary
19 reason we're here tonight, as Gina mentioned, is to take
20 comments on the Draft Environmental Impact Statement
21 that was issued November 1st. It's to review
22 alternatives. It's to evaluate the impacts of the
23 project that's proposed.

24 One of our obligations under the EIS process and
25 the SEPA process is to examine three viable

1 alternatives: two actionable alternatives and two
2 different ways of essentially making the trail safer and
3 doing the things that need to be done, and one no-action
4 alternative, kind of the do-nothing alternative.

5 No. 1 is that no-build alternative where we
6 really would not change the trail cross section at all.
7 Essentially, nothing would be done out there. Things
8 would continue as they are now.

9 No. 2 has been entitled the rebuild alternative,
10 and that would essentially resurface the existing path
11 in its current configuration, keep the same 10-foot
12 width, essentially replace or resurface the existing
13 asphalt trail in its current configuration and not build
14 it wider and not add the gravel shoulders that we're
15 doing for the third alternative. It would improve the
16 site distance at the crossings by removing some
17 vegetation to make visibility better, and it would
18 change the signs, as I described earlier, to change the
19 flow of traffic at those crossings.

20 The third alternative, the redevelopment
21 alternative, is the preferred alternative. This is the
22 one that I described generally earlier. It's widening
23 the trail surface from 10 feet to 12 feet to accommodate
24 the greater volumes of traffic and improve site
25 distance. It's adding gravel shoulders, walking

1 surfaces on either side of the asphalt so there's a
2 place to walk and a different surface to walk, rather
3 than as a pedestrian, being asked to walk on the bicycle
4 trail surfaces itself.

5 Again, we're moving obstacles to visibility and
6 site distance at the intersections. We're changing the
7 way circulation works at those crossings and the yield
8 right-of-way configurations and crosswalk
9 configurations. We're improving the drainage throughout
10 the corridor by enlarging and opening up the ditches,
11 and, again, on the uphill side, adding the expanded
12 culverts. We're adding lighting at each of the
13 crossings. There is some lighting at some of the
14 crossings now. We're going to expand that system so
15 there are two lights at each of the crossings, fully lit
16 for increased visibility at the crossings on both the
17 private road crossings and the public road crossings.

18 The two intersections that are kind of anomalies
19 here, 170th and at Ballinger Way, which are now
20 essentially configured by the DOT as part of the 522
21 right-of-way and signalled by the DOT with button
22 activated signals at those crossings, those
23 intersections will remain essentially the same.
24 The trail, if you're familiar with it, curves up and
25 crosses into crosswalks at those crossings. And those

1 crossings will be improved by widening the crosswalks,
2 by widening the ramp itself, by increasing the area, the
3 landing area, if you will, for the pedestrians and bikes
4 on either side of the roadway, removing some of those
5 obstacles. There are poles and signal boxes and
6 utilities kind of in the way of people queuing at those
7 crossings waiting for the light to change. Those are
8 going to be moved out of the way so there's more room to
9 queue, and the picnic tables and the bench and the
10 drinking fountain will remain.

11 And I'm going to turn it over to Karmen Martin,
12 again from ESA Adolfson, who is going to explain the
13 SEPA process in a little more detail and take it from
14 here.

15 KARMEN MARTIN: Okay. I'm going to be
16 quick, so we can get to testimony. But I'm going to
17 provide a quick overview of the purpose of SEPA, where
18 the County is in the process for this project, and how
19 your comments will be used as we go forward.

20 So as Gina mentioned, SEPA, the State
21 Environmental Policy Act, requires agencies to consider
22 the environmental impacts of a proposal before they make
23 a decision or take an action on it. Getting public
24 input is a very important part of SEPA, which is why
25 we're here today. The County will be considering

1 information in the final EIS which will incorporate
2 comments that you make today and throughout the public
3 comment period process to make a decision.

4 They will also be considering other technical,
5 economic, and other considerations for the proposal, and
6 then they make their informed decision. So the SEPA EIS
7 document is not a decision document, but it helps the
8 decision-maker make an informed decision.

9 So where we're at in the process, the County
10 completed the scoping process for the Draft EIS back in
11 March earlier this year. They received over 30 comment
12 letters and e-mails which helped -- basically, it helped
13 shape the analysis, and the EIS helped the County
14 determine what type of alternatives to the preferred
15 alternative to address in the Draft EIS. The Draft EIS
16 was issued November 1st, and we are now in the 30-day
17 public comment period which ends December 3rd at
18 midnight.

19 Once the comment period is closed, the County
20 will review the comments received and work on updating
21 the Draft EIS, which will include adding any additional
22 information, correcting any errors of the Draft EIS,
23 conducting any additional analysis, if warranted. And
24 the County anticipates issuing the final EIS March of
25 next year with the County decision to follow sometime

1 after that.

2 So all comments are welcome, especially any
3 comments on the alternatives, the range of alternatives,
4 the impacts, the mitigation measures. All those things
5 are welcome. And I won't go through the many ways you
6 can comment. Gina talked about that earlier. But also,
7 if you have any questions about the alternatives, I
8 would encourage you to pick up one of the fact sheets
9 over on the table over there. Also, if you still feel
10 you need some clarification on the alternatives or the
11 SEPA process in general, I encourage you to contact
12 Gina. Her contact info is also on the fact sheet and on
13 the website. So with that, I'll hand it over to Gina to
14 start the testimony.

15 GINA AULD: Look at that: We're ahead of
16 schedule. That's probably not going to happen too much
17 on this project. Okay. Well, I have some speakers'
18 names, and again, just come up and stand in front of the
19 speaker right here and speak into the microphone so
20 Linda can record what you're saying. And I'm going to
21 call you in the order that you were signed up, and you
22 have two minutes. And you'll be able to see your time
23 right there. So the first person is Karl Cook.

24 KARL COOK: Thanks. My name is Karl Cook.
25 I live at 3704 Northeast 165th Street. I live in

1 Sheridan Heights. I'm a member of the Sheridan Beach
2 Community Club. I've been a member of their board a
3 number of times. I am not a board member at this time.

4 I've lived on the trail all my life here in
5 Seattle. I started using the trail when it, in this
6 section, was nothing but railroad ties. We'd come up
7 from the university, where it was paved, and we'd hit
8 the railroad ties, and we'd have to start jumping over
9 them. I've seen it in its maturation from the
10 university all the way out to where it ends down in
11 Marymoor.

12 I appreciate what the County is doing to try and
13 redevelop it. I support the Alternative 3,
14 redevelopment. I have read the Draft Environmental
15 Impact Statement. I use the trail an average now of
16 once a day. I know that the pavement is deteriorating
17 and needs to be replaced.

18 I also note that the two big issues in my mind
19 are line of sight and access across the trail by private
20 property owners. I think the line of sight, frankly,
21 was better when there were railroad ties there, because
22 nobody had built the chicanes or jogs that are there
23 now. But those were done, probably with good intent, to
24 try and slow people down without the realization that
25 what it did was to limit the line of sight.

1 So it appears in the redevelopment alternative
2 you are addressing that, and I appreciate that. Your
3 thornier issues are going to be the liability of the
4 private property owners. However, I don't support their
5 precedence over the use of the trail as a public
6 right-of-way. Thank you.

7 PUBLIC SPEAKER: Can I make an observation?
8 With as few people as are here, is it the two-minute --
9 there aren't that many people here. Two minutes is too
10 little. If this gentleman would like to speak for
11 another minute or two, I think that would be totally
12 appropriate. If this whole auditorium was filled, I
13 agree a two-minute limitation would be appropriate. Not
14 in this environment.

15 GINA AULD: I'm okay with that.

16 KARL COOK: I'm fine. I was on for
17 two minutes.

18 GINA AULD: Okay. The next person is David
19 Hutchinson.

20 DAVID HUTCHINSON: I am Dave Hutchinson, the
21 mayor of the City of Lake Forest Park. My address is
22 17425 Ballinger Way Northeast, Lake Forest Park 98155.

23 Thank you for this opportunity to speak to you
24 about the redevelopment of the Burke-Gilman Trail. The
25 City of Lake Forest Park supports the trail improvements

1 along the Burke-Gilman Trail in Lake Forest Park. We
2 agree that the trail is a great asset for the people of
3 our community and the region. The City promotes
4 walking, jogging, cycling, dog walking, and other
5 activities on the trail, except the skateboarding and
6 the inline skates.

7 We agree that the sight triangles and the
8 visibility need to be improved. We want the trail to be
9 safe and enjoyable for everyone. The Council and the
10 City will work quickly with everyone to get this project
11 started so that it can be a source of local recreation
12 and regional transportation.

13 What's really interesting is that the County and
14 the City agreed on almost everything but one item prior
15 to the little suit we had back and forth, and that was
16 just the signage. I think it was a yield sign versus
17 the caution sign. That was the essence of our
18 disagreement.

19 Safety is our primary concern. Section 1.2.1, no
20 signage is proposed to stop trail traffic at 165th. The
21 lack of a stop sign at 165th has been a problem for us
22 because of the amount of pedestrian traffic in the
23 summer going to and from the swim club. However,
24 Executive Sims has assured me that there will be a stop
25 sign at 165th, so I hope that materializes in the plans.

1 The City will be reviewing the Draft EIS in
2 detail and submitting formal written responses before
3 the end of the comment period. The City's comments are
4 intended to focus on the areas of safety and reliability
5 of the trail in all of the uses. Thank you. I want to
6 thank all of the concerned citizens here tonight, and
7 there are a few, and a couple council members. Thank
8 you.

9 GINA AULD: The next person is Tim Ahern.

10 TIM AHERN: Thank you. My name is Tim
11 Ahern. I live at 14534 Edgewater Lane Northeast. And I
12 want to start by saying I support the redevelopment
13 alternative as summarized in the Draft EIS. I found
14 four items that I believe deserve a little more
15 attention, though.

16 First, if you insist on having bollards installed
17 at intersections, please make sure they are very visible
18 at night, in stormy conditions, and other times of poor
19 visibility. Please consider constructing them in a
20 manner that will not injure trail users when they strike
21 them, as I suspect they will, as you probably can
22 gather, against the bollards.

23 I am pleased that you're planning to install a
24 retaining wall near the south end of the project to
25 stabilize the toe of slope. However, any work near the

1 toe of the slope has the potential of reducing slope
2 stability and may increase the risk of slides. I would
3 hope that you would also consider permanent methods to
4 drain water from the hillside. This should reduce risk
5 of slides and thereby improve safety to the trail users
6 and trailside homeowners.

7 If you're planning on rerouting trail traffic to
8 Edgewater Lane while construction takes place at the
9 south end of the Burke-Gilman Trail, please consider
10 repaving Edgewater Lane. It's not safe for bicycle
11 traffic in its present condition. A series of potholes
12 filled with small rocks simply doesn't allow safe
13 bicycle travel on Edgewater Lane.

14 It's essential that proper maintenance of
15 ditches, culverts, and other drainage infrastructure
16 occurs after the project completion. I know that's not
17 particularly a part of the EIS statement.

18 It's also essential that the site will remain as
19 designed by proper maintenance of trailside vegetation,
20 especially near the intersection. So the maintenance is
21 essential after you complete the project.

22 In summary, I believe that your Draft EIS covers
23 most of the significant environmental impacts very well,
24 and I strongly support the alternative to redevelop the
25 Burke-Gilman Trail through Lake Forest Park. Thank you.

1 GINA AULD: The next person is --

2 CHUFF BARDEN: I submitted it in writing.

3 GINA AULD: Are you Mr. Barden?

4 CHUFF BARDEN: Yes.

5 GINA AULD: John Mack? And I also have a
6 Mary, so do you both want to talk?

7 JOHN MACK: No. That's okay. I don't
8 really have that much to say. I think you pretty well
9 covered it. My only concerns are about the stop signs
10 that are on the trail. I'm John Mack, 14362 Edgewater
11 Lane. I live right there on the trail. Right now,
12 there is a stop sign for the bicyclists on 147th. And
13 I'm not sure; is that going to change? And if it is,
14 I'm just worried about the liability there and
15 particularly for us.

16 I just talked to a neighbor today, and he did
17 have an incident where there were yield signs, and the
18 bicyclist hit him. The bicyclist wasn't injured but his
19 car was, and because it was a yield sign there, his
20 insurance is not going to cover his car because of that.
21 So that's in the back of my mind, and if the person was
22 injured, what liability would I have or anybody else
23 have if we hit somebody there, and how would that be
24 taken care of?

25 The other issue is the drainage. If you are

1 going to be taking care of the drainage, I hope you are
2 going to be able to take that water so it doesn't go
3 down, like this other gentleman mentioned, and not have
4 it pour down onto the roads or seeping through the
5 banks. And it is a problem for us. I use the bike
6 trails, and I'm glad to take care of them. They're in
7 real nice shape, but our roads down below it aren't.
8 And it would be very nice if you could take that into
9 more consideration than you have in the past.

10 If, when you are doing the construction, just
11 like he mentioned, bicyclists that are going to have to
12 go through there, they're going to get injured,
13 because there are so many vehicles there. They're not
14 going to be able to do that. Thank you.

15 GINA AULD: Thank you. Kerri? I didn't
16 want to mess it up.

17 KERRI HALLGRIMSUN: Nobody says it right, so
18 it's fine. Hi. I'm Kerri Hallgrimsun. I live at 16703
19 Northeast 41st Avenue in Lake Forest Park. And I want
20 to speak today as the public safety chairperson for the
21 Sheridan Community Club.

22 We in the Sheridan Beach and Heights area of Lake
23 Forest Park are extremely concerned for the safety of
24 the biking community and our pedestrian community to use
25 the 165th and Burke-Gilman Trail crossing. We have

1 repeatedly expressed concerns about the planned removal
2 of that stop sign and the proposed increase to 20 miles
3 per hour through this crossing.

4 We would like to give you an idea of the amount
5 of pedestrian traffic occurring at this intersection
6 during Sheridan Community Club operations in hopes that
7 you will become better informed about the realities of
8 our concerns.

9 The Sheridan Community Club contains beach
10 access, and an outdoor pool, and the greatest majority
11 in the club occurs when the pool is open from mid-May
12 through mid-September. The Sheridan Community Club is
13 located at the end of 165th, just past the Burke-Gilman
14 Trail. This last year our pool members were comprised
15 of 160 families, which means roughly 320 children are
16 making this crossing from mid-May to mid-September. The
17 club has a youth swim team comprised of 120 children
18 ranging from the age of 4 to 16. Swim team practices
19 occur daily Monday through Friday. The kids must cross
20 back and forth to get to the pool. That's approximately
21 240 children crossing just for the swim team. The
22 additional 60-plus children that we do swim lessons for,
23 if you add those together, you're looking at a minimum
24 of 360 children crossing that crossing on a daily basis.

25 I am not counting when we have swim team, when we

1 have special events like Easter egg hunts, when we
2 actually just have open swim time, when there are a
3 multitude of children who could be crossing back and
4 forth during that time period. You may be looking at
5 several hundred children or several hundred additional
6 crossings of children in that day. I think this is more
7 than most elementary schools.

8 So to change that to not have a stop sign, I
9 think you're putting our community at risk. To increase
10 that, in addition to using 20-mile-per-hour bikes going
11 through there, is putting the cycling community and our
12 children at risk. I would encourage you to reduce that,
13 to put the stop sign back in, and, in fact, I would love
14 to see playground signs put right at that intersection
15 so that cyclists understand that these are children who
16 are going to be making the crossing. Most of them may
17 have adults, but, as you know, children make poor
18 decisions about when to listen to the parents, when to
19 be holding their hands, and to judge distances,
20 especially at speeds of 20 miles per hour. Thank you.

21 GINA AULD: Martin Nelson?

22 MARTIN NELSON: I am Martin Nelson, 14732
23 Edgewater. I do not have a prepared speech. However,
24 there are a number of aspects of this redevelopment that
25 concern me.

1 I also have been here since the railroad was
2 there. What is King County going to do with regard to
3 the maintenance of the trail? When we originally had
4 the trail put in, it was assured that the trail would be
5 maintained.

6 Under your own testimony, the trail has gone from
7 a ten-foot-wide easement or ten-foot-wide trail to
8 currently a nine-foot wide trail. That's because the
9 County has not maintained the trail in the matter that
10 it said it would be done. Is there going to be some
11 sort of contractual obligation that the County will
12 enter into with Lake Forest Park, or with the residents,
13 or whoever it is, to make sure that the trail is
14 maintained in the matter that you people are talking
15 about today? because I suggest to you that 20 years from
16 now, as has been the case, it won't happen.

17 Maintenance is the primary concern and legal
18 setbacks. There are enumerable other problems. The
19 problem of the stop signs, especially where there is a
20 street coming down, is extremely important, not only by
21 the civic center, by the Sheridan Beach Club, but also
22 at 147th. I would encourage the Environmental Impact
23 Statement to address those in a manner that is
24 consistent with safety and the way things have happened
25 for years and years.

1 I'm very, very optimistic that the County will do
2 a lot better job than they have done for the last
3 20 years.

4 GINA AULD: You can also turn your comments
5 in at that box, again, at the end of the table if you
6 want to. Virginia?

7 VIRGINIA HEBRON: I'm Virginia Hebron. I
8 live at 3721 Northeast 165th Street. And when I was
9 two years old, some 53 years ago, I lived at 16290 Beach
10 Drive Northeast, right at the intersection of 165th and
11 Beach Drive, that we're talking about right now.

12 At that time it was railroad track, and the
13 trains were run at night. And when I went to school at
14 Brookside and I read a story about the poor people that
15 lived on the wrong side of the track, even though my
16 home was on Lake Washington, I thought I was one of
17 those poor people that live on the wrong side of the
18 track because the whole rest of the world was the rich
19 people that lived on the right side of the track.

20 Anyway, I'm glad I have a whole minute to tell
21 all that. So now I'll get to the point. The point is
22 there's so much technology available out there. Mercer
23 Island has this wonderful lit up stuff for their
24 crossings by their schools where lights flash. They're
25 all on the road when somebody hits the thing, a

1 pedestrian. And I think that it has to kind of be a
2 give-and-take. And I wish there were some way with
3 technology that, when a child or somebody hits that
4 thing, to let the bicyclist know that they're crossing,
5 or when a bicycle goes across something, it alerts the
6 children there's a bicycle, because in office buildings
7 and other places where I walk, downtown Seattle, there's
8 an audio voice that says -- that will warn you that
9 there's a car coming up out of the parking garage. And
10 so, between Mercer Island's flashing lights and
11 sidewalks and that parking garage and the technology
12 that's out there, I would think that there could be a
13 good solution for something that's as critical as that
14 particular crossing.

15 And I'm in favor of your Site 3. The
16 Burke-Gilman Trail is a tremendous asset which makes all
17 of our homes a beautiful place to live, bicycle, walk
18 exercise, do all those great things for health and
19 everything else. So your Proposal 3, which would take
20 care of lot of the issues of maintenance and everything
21 is a great idea, and I really commend the County for
22 taking all this into consideration. Thank you very
23 much.

24 GINA AULD: Ron?

25 RON HEBRON: My name is Ron Hebron. I live

1 at 3721 Northeast 165th Street. I support the use of
2 the trail by all users: walkers, bike riders and
3 everyone. I remember, as my wife said, she grew up
4 across from the trail. I remember when there were
5 trains there, and I saw the trail be built as well.

6 I'm very concerned that the trail has gotten in
7 such bad condition because it's taken so long to
8 redevelop it, and it's really becoming an embarrassment
9 in that condition. So I hope we can do this very
10 quickly. I support the redevelopment, which is Option
11 No. 3, and I think that looks pretty good, although, a
12 couple things.

13 One is that I don't understand when there's a
14 stop sign for a private crossing, that private crossing,
15 if I take one step, I'm trespassing. So I don't think
16 it makes sense to have stop signs for private crossings.
17 And the other thing is that I know that -- I'm a bike
18 rider. I'm not a fast bike rider. I'm kind of on the
19 slow side, but I know there is a problem with speed.
20 And so we do have to do whatever is possible to do to
21 get some control of the speed of the bikes at the
22 crossings. Thank you.

23 GINA AULD: Martin?

24 MARTIN ROOD: I am Martin Rood, 15562
25 Lakeshore Boulevard Northeast, Lake Forest Park. I

1 don't have any prepared notes either, but I wanted to
2 make a few points. Like Martin Nelson was pointing out,
3 the bike trail, the trail, when it was first put in as a
4 product of Forward Thrust, was supposed to be a walking
5 trail only. And, obviously, with the advent of bikes,
6 it's turned into kind of a thoroughfare, a lot of people
7 commuting and what have you. I do know that bikes,
8 obviously with the signs that are basically from my
9 driveway up to -- or I should say down to 145th are --
10 Pardon?

11 GINA AULD: You're okay.

12 MARTIN ROOD: Thank you. There are
13 driveways there that are just in very, very close
14 proximity to the trail. Others live off the trail and
15 must simply cross the trail with their motor vehicles,
16 and we and others are affected by backing out literally
17 onto the trail with its current width. If you widen it,
18 it's going to make it even worse. Sometimes we look one
19 way, we look the other, then we start backing up, and by
20 the time we start backing up, zoom, somebody comes
21 flying by here. I don't really believe increasing the
22 sight distance is going to affect it that much,
23 especially in the dark. We have a lot of bikers that go
24 after dark. It's supposed to be a park. They're really
25 not supposed to use it after dark, yet we all know they

1 do.

2 The other thing is, too, a lot of the people that
3 live down in that area, the only way that they can get
4 out during a snowstorm is actually to drive down the
5 Burke-Gilman Trail. And I know this comes as a surprise
6 to a lot of people, but we were given permission by the
7 Parks Department to use the trail in emergencies to get
8 in and out during ice storms, snowstorms, that type of
9 thing as recently as this last winter. They actually
10 even gave us keys to the bollards, believe it or not.
11 They used to lock the wooden bollards that used to be
12 there. And we would unlock them, and people would move
13 them aside, and we would come and go. And the snow
14 would go away, and then we would put them back, and life
15 would go on.

16 We particularly live on a road that's -- it's a
17 private road. It's not a public road that intersects
18 the Burke-Gilman Trail. I think that special
19 consideration should be made to make sure that that is
20 honored. I mean, it is a private road. We maintain
21 that road. And I don't know how the legality of
22 regulating private roads versus public roads work or
23 not.

24 And, obviously, we want signs because of the
25 liability. I know on the Environmental Impact Statement

1 it says that it was said that the signs were removed
2 because of pressure from the homeowners, and we just
3 think it was beyond that too. I think the County also
4 didn't want to get sued in case a biker was hit by a car
5 or a car by a bike, either way. So, anyway, thank you.

6 GINA AULD: Fritz Anderson?

7 FRITZ ANDERSON: I'm Fritz Anderson, and I
8 live at 16517 Shore Drive Northeast. And first I'd like
9 to say that our mayor is here. He had to endure the
10 Seattle Times saying that the residents of Lake Forest
11 Park were fighting against the development of the trail.
12 That is so untrue. I have not talked to one person who
13 disagreed and didn't want to have the trail improved.
14 It's 100 percent. Everybody wants improvements on the
15 trail, from everyone I've talked to.

16 Next, I'd like to get on to 165th Street
17 Northeast and the crossing there. And, of course, I'm
18 going to go along with the other people in Sheridan
19 Beach and say we all want stop signs there in both
20 directions. There's no way to be traveling south on
21 Shore Drive and to be able to look back 165, 170 degrees
22 and see a bicyclist coming along. And I know 25 miles
23 an hour, but there's a lot of bicyclists traveling way
24 faster than that, and there's no way. Somebody is going
25 to get seriously injured there. In the other direction,

1 the bicyclists are coming to the north, and the
2 visibility, because of the embankment there, the
3 visibility is such that they will not be able to see
4 children and the regular people who cross the trail
5 going into the Sheridan Beach Club.

6 So both directions, that is a problem, and I
7 think there is only one answer to that, and that's to
8 have stop signs in all directions. At least it gets
9 people to be aware of the danger that there is at that
10 intersection. That's all I have to say.

11 GINA AULD: Well, I don't think we have
12 anyone else signed up at this point to speak. So if
13 anyone wants to come up and voice their comments, please
14 do so.

15 STAN GRAVES: Thank you very much. My name
16 is Stan Graves, and I live at 16800 Shoreline Northeast,
17 Lake Forest Park, of course, and have lived at that
18 residence for over 22 years. Also, I have used the
19 Burke-Gilman Trail extensively over that period of time
20 because I enjoy bicycling, as do many of the members of
21 my family.

22 Unfortunately, I have not taken the opportunity,
23 and I will try to do so, to read the Environmental
24 Impact Statement. But there are a couple of issues that
25 have been on the table for some time, and it mostly has

1 to do with the bicycle traffic at stop signs. And on
2 this issue, I feel very adamant.

3 There was a time, and it may be still considered,
4 to remove the stop signs at 165th, which are right at
5 the street that intersects with the Sheridan Beach Club.
6 To me, this would be the absolutely most foolish thing
7 we could possibly do. If anyone is there during the
8 summertime and watches the number of small kids:
9 toddlers, baby carriages, and the whole bit, going to
10 the beach club, walking in the middle of the street, and
11 then imagine bicyclists, who get pretty enthusiastic
12 with their speed, coming down and no stop sign at all, I
13 can guarantee that sometime -- and if that happens,
14 there's going to be a serious accident, and all the
15 liability issues that would go along with it. So my
16 first appeal is a very strong one. Do not -- and I
17 emphasize do not -- even consider the removal of the
18 stop signs at that intersection.

19 Then there's another intersection at 170th that
20 also is a potential problem, and I'm a little bit
21 surprised that something else hasn't happened there.
22 When you come out at 170th to Lake City Way looking at
23 the north, the trail bends, and that means, with the
24 laws that we have, if there's a red light, we're
25 permitted to make a right-hand turn. So what do we do?

1 We look right, no traffic coming. We look left; it
2 looks clear. And we start out, and low and behold,
3 within about three seconds, a bicyclist coming from the
4 north can be right in the middle of our car. Now, I'm
5 surprised -- I don't know the record -- whether there
6 hasn't been an accident for that reason. There's no
7 visibility when you're stopped going west at 170th to
8 look north because of the way the trail is curved.

9 I would strongly recommend some kind of barrier,
10 a serious one enough to slow the bicyclists down so they
11 can't come -- because they look ahead and they see a
12 green light, and they see that there's no danger. The
13 driver looks and doesn't see them, then looks left; no
14 traffic is coming. I can make that legal right-hand
15 turn on a red light, and bang, you got a problem.

16 So that sums up my comments. We want to enjoy
17 the trail. We want to enjoy it by all kinds of people.
18 We want it to be safe. And I think as an ardent
19 bicyclist -- I've done the STP several times, so I have
20 enthusiasm for bicycling. I have a greater enthusiasm
21 for safety and, particularly, that of the children.
22 Thank you very much.

23 GINA AULD: Anyone else?

24 DONALD TRACY: I'm Donald Tracy, 15044 Beach
25 Drive Northeast, and this will take about ten seconds.

1 I just respectfully request that you extend the comment
2 period by two weeks. Thank you.

3 GINA AULD: Anyone else have any comments?

4 KERRI HALLGRIMSUN: Can we make additional
5 comment?

6 GINA AULD: I'm sorry?

7 KERRI HALLGRIMSUN: Can I speak more than
8 once?

9 GINA AULD: Sure. We have until 9 o'clock.

10 KERRI HALLGRIMSUN: So again, it's Kerri
11 Hallgrimsun. I'm speaking this time more from a
12 personal nature, and that is I would respectfully ask
13 that, if there are any revegetation, if something is
14 taken out and put back in, that a lot of thought and
15 consideration is given as to the height that that will
16 grow.

17 There are many of us that live on the other side
18 of the trail that, if it is allowed to grow too high,
19 you're going to start blocking views which greatly
20 impacts the values of our homes. And so I would like
21 that to be considered strongly when you're making
22 choices on revegetation. Thank you.

23 GINA AULD: Anyone else care to make some
24 comments?

25 PUBLIC SPEAKER: Can you speak with regard

1 to how this two-mile section will match up with that
2 portion within the City of Seattle and that portion that
3 goes beyond the log boom? Or is this the only section
4 that is being developed?

5 KARMEN MARTIN: Terry, do you want to do
6 that? I guess we didn't plan on doing a
7 comment-and-answer period.

8 MOLLY ADOLFSON: What we can do, because
9 it's a formal hearing process, if there are no more
10 comments, we could close down the hearing at this time.
11 The court reporter would not be taking notes. We could
12 have questions and answers. If we get additional people
13 who would like to comment, we would then open up the
14 public hearing.

15 So we could take a half hour for recess, because
16 we have to stay here anyway. So I would say with that,
17 without any other last comments, at this time, we'll
18 conclude the public hearing and take a few questions.

19 GINA AULD: Okay. So is there any more
20 comments that you'd like to formally make in testimony?
21 Okay. So then we'll take Molly's great recommendation,
22 and I think what we'll do is we'll just kind of answer
23 some questions for the next 30 minutes, and if at 7:30
24 more people come in and want to make some testimony,
25 then we'll resume the hearing at 7:30 .

1 (Question-and-answer session.)

2 GINA AULD: Thank you, Molly. And the other
3 thing I would suggest is there's been a lot of great
4 comments, and I would really encourage you -- it's the
5 perfect opportunity to this Draft Environmental Impact
6 Statement to submit all those comments to be reviewed by
7 a multitude of design engineers. So you have until
8 December 3rd to get comments in. You can put comments
9 in here tonight in written format. Again, you can do an
10 oral testimony. And this is really a great place to get
11 your comments heard, so that they get addressed.

12 So we're going to resume the public hearing
13 part. So, Molly, did we have some people sign up?

14 MOLLY ADOLFSON: We had some people who said
15 they were going to listen and didn't know if they were
16 going to comment.

17 GINA AULD: Okay. So is there anyone that
18 would like to come up and make a testimony?

19 MARTIN NELSON: I am Martin Nelson, 14732
20 Edgewater Lane Northeast. This will be short. I
21 absolutely encourage a stop sign for bicyclists at
22 147th. The way the streets are set up there, it is an
23 accident waiting to happen. If the bicyclists cruise
24 through there at 15 or greater miles per hour, it would
25 be an absolute mistake. So please put stop signs on the

1 trail for that busy intersection that accesses all of
2 the traffic to all of the homes from 147th all the way
3 down to 120th, which is inside the City of Seattle.

4 Thank you.

5 GINA AULD: When you come up, if you could
6 just state your name so Linda can --

7 JOHN MACK: John Mack, 14362 Edgewater Lane
8 Northeast. I would like to comment also on that same
9 street. We definitely have to have at least -- if
10 you're going to put up stop signs for us, the motorists,
11 you're going to have to put up stop signs for them too.
12 You just can't have them one way. Just like this
13 gentleman mentioned, there are just far too many cars
14 going through there.

15 And if I invite you to my place for dinner, and
16 you stop there, and then somehow some bicyclist comes
17 along and hits your car as you're coming to visit me,
18 and they want to sue you now, how would you like that?

19 MARY MACK: My name is Mary Mack. John is
20 my husband. And as you can tell, we don't have a great
21 presence of the Seattle side this evening. I really
22 commend the Sheridan Beach people. Some people are
23 going to be hearing from me in Seattle.

24 But as Mr. Nelson mentioned and as John
25 mentioned, I will mention also, just because we don't

1 have as many people here this evening. That
2 intersection at 147th is a really main section for
3 everybody to come down, for UPS people, for everybody.
4 For everybody.

5 And Mr. Nelson is correct in that that is the
6 main street that everybody drives down to go all the way
7 to 120th, I believe, or 125th. There are a lot of cars.
8 There are a lot of us there. And I think that if folks
9 at Sheridan do that for their children, there are so
10 many children down on our end as well. It's just a
11 really major, major arterial there, and I think it would
12 really behoove to put the stop signs there for the
13 cyclists.

14 It's very difficult for them to see down around,
15 and it's difficult for us to see up for them as well
16 from that corner that comes around. And I really,
17 really respectfully ask that they revisit that and put a
18 stop sign there for everyone's safety. Thank you.

19 GINA AULD: Go ahead.

20 MARTIN ROOD: Martin Rood, 15562 Lakeshore
21 Boulevard Northeast. Since everyone is defending their
22 road, I want to defend my road, 157th Place. It's a
23 private road. We maintain it ourselves. We pay to
24 maintain it ourselves. We have a yield sign there.
25 Everybody else in Lake Forest Park has a stop sign on

1 their road, and we don't why. We've gotten no answers
2 from Lake Forest Park or King County when they had been
3 asked.

4 We also have a beach club down there, not as big
5 as the Sheridan Beach Club. We have the Belle Haven
6 (phonetic) Beachfront Owners Association. There's 21
7 homes that it services, and cars and people and kids and
8 trikes and water skis and everything parade across that
9 trail. And it also has a lot of traffic as well, and we
10 need stop signs there as well for the trail users.

11 PUBLIC SPEAKER: Can we also ask questions
12 as part of public comment or not?

13 GINA AULD: Not as part of public comment,
14 no. This is just testimony.

15 MOLLY ADOLFSON: The questions would get
16 answered in the final EIS. This is more to raise issues
17 that people feel should be more thoroughly addressed in
18 the final EIS document.

19 GAIL HOLMES: My name is Gail Holmes. I
20 live at 14718 Edgewater Lane, and I live right there on
21 147th, and so I see the cars coming both ways. I see
22 the cyclists. And I've seen several bad accidents where
23 cyclists have been hurt by other cyclists and by cars.
24 And I would really urge that there would be stop signs
25 both ways. And I can't remember who said it, but we who

1 live down there, we stop anyway, even though there isn't
2 a stop sign, because we don't want to hit a cyclist.

3 But I think that's the responsibility for all
4 parties. The cyclists and the motorists should all be
5 careful, and they should all be stopping and watching so
6 that there isn't an accident. And just to put the onus
7 on the cars, I think, is really risky and not in the
8 best interest of safety for everyone.

9 CHUFF BARDEN: I'm Chuff Barden, 3512
10 Northeast 178th, Lake Forest Park. And just kind of a
11 question. As I understand it, the trail is actually a
12 park that is 25 feet on either side of the center line
13 of what was the railroad right-of-way. And what we've
14 addressed here is probably a third of that in the
15 Environmental Impact Statement or in the --

16 GINA AULD: You're correct, environmental
17 impact statement.

18 CHUFF BARDEN: -- and I really don't
19 understand some of these questions we're getting up
20 here, because what we have is 50 feet on either side.
21 And I pulled the Limited Use Permits on all of the valid
22 ones, and I think there's three along this two-mile
23 section of trail. And all of these people are talking
24 about it, and they don't have the permits to actually
25 even cross the trail. And I just don't understand where

1 they're coming from. Thank you.

2 GINA AULD: Anyone else? I knew you had to
3 come up here, Bill.

4 BILL MART: My name is Bill Mart, 16901
5 105th Avenue Northeast in Bothell. First of all, I want
6 to commend the County on the rehabilitation option of
7 the plan that's part of the Draft EIS, and I strongly
8 encourage them to basically do that. With respect to
9 all these stop sign issues, 147th -- I've looked at this
10 in great detail for many years -- at 147th there are 40
11 homes from 147th to the next crossing. If all of those
12 homes took all of their trips and crossed at 147th,
13 there would be maybe 400 trips a day.

14 We have over 1,000 cyclists a day typically going
15 on there, sometimes 3,000 cyclists a day. That is a
16 public right-of-way. The other thing I would ask
17 everyone to remember is that that street, the public
18 road, ends at 147th and the trail. Everything else to
19 the water side of it is private. You don't put private
20 roads in priority over public trails, public
21 rights-of-way.

22 There's another thing: There is an RCW that says
23 that crosswalks have the right-of-way over streets. So
24 all of these crossings are crosswalks. So motorists are
25 required to stop for bicyclists and pedestrians that are

1 in the crosswalks. That's state law. City, County
2 can't change that. With respect to the right-of-way
3 that was just mentioned, my suggestion is that the
4 County clear the right-of-way edge to edge and then see
5 what they've got to work with.

6 There's a lot of people who have been using that
7 land for a lot of years. And as the gentleman just
8 said, there's no permits, and there's no compensation
9 back to the County. It's public land. The fences
10 should be removed, the vegetation should be removed,
11 back to the right-of-way, and let's use the public land
12 for public purposes. Thank you.

13 GINA AULD: Sorry about that. A little
14 technical difficulties. Anyone else care to speak?

15 TERRY RECKORD: I guess we're concluding the
16 public hearing process, then, so I can answer questions.

17 (Question-and-answer session.)

18 MELANIE PAQUIN: My name is Melanie Paquin,
19 P-a-q-u-i-n, 14508 Edgewater Lane Northeast, and I am
20 the proud recipient of the North Shore minigrant for
21 restoring a shoreline in Lake Forest Park.

22 And I'm concerned about this retaining wall and
23 how it's going to affect the migration of the
24 amphibians. We have native amphibians, two species:
25 Northwestern Salamander, and we have Long-toed

1 Salamander. And I've found the Long-toed Salamander on
2 this natural area along the Burke-Gilman Trail. And so
3 there is no mention in your Environmental Impact
4 Statement of the direct effect on breeding and migration
5 of amphibians.

6 And I'm also concerned about the drainage issue
7 and whether these banks along the Burke-Gilman Trail can
8 even support a retaining wall that's made of concrete or
9 wood. And so I would hope that the drainage issues
10 would be addressed before full development of the trail
11 would begin. Thanks.

12 BRAD HANSON: My name is Brad Hanson. I
13 live at 14508 Edgewater Lane Northeast. And I think
14 neither rebuild nor the redevelopment addresses the
15 drainage issues efficiently. In the DEIS there was a
16 note about a couple of sections of water damage to the
17 roadway in the northern part, but there's nothing
18 mentioned about water damage due to drainage from 145th
19 to 147th. And that is significant because the roadbed
20 in many place, it's been consistently destroyed because
21 of water flowing year round. Some people have dealt
22 with it by essentially developing their own drainage
23 systems.

24 My feeling is that's the County's responsibility,
25 and there is no specifics in here to address it. We

1 have actually revegetated a 16-foot portion of the bank
2 of the Burke-Gilman Trail with natural vegetation. So
3 we're opposed to the redevelopment because it's going to
4 remove approximately half of that from the retaining
5 wall.

6 And, basically, it seems to me that, given the
7 trail usages -- we've lived there for five years --
8 there's actually relatively little trail usage most of
9 the days with the exception of sunny days. It doesn't
10 seem to be warranted, to my mind, that we should go to
11 the expense as well as the environmental degradation
12 associated with the redevelopment in order to address
13 the sort of rush-hour traffic issues on the weekends.

14 So I recommend that they just go with the
15 rebuild, given that going to cover an additional one
16 acre of surface area with the impermeable-type surface
17 seems to be in direct conflict with a lot of what's
18 being deemed nowadays for recreational areas, as well as
19 in addition, by removing too much vegetation as they're
20 planning to do, it's going to contradict essentially
21 what's being done at Lake Forest Park as far as
22 preserving part of that local area green space. Okay,
23 thank you.

24 (Proceedings concluded at 8:50 p.m.)
25

CERTIFICATE

STATE OF WASHINGTON) ss.
COUNTY OF PIERCE)

I, LINDA M. WARMUTH, a Certified Court Reporter and Notary Public in and for Pierce County, Washington, do hereby certify that I reported in machine shorthand these proceedings; that the foregoing transcript was prepared under my personal supervision and constitutes a true record of the proceedings.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my official seal this 19th day of November,
2007.

LINDA M. WARMUTH
118553
Notary Public in and for the
State of Washington,
residing at Tacoma.